



Paper No. 13

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**OFFICE OF PETITIONS**

In re Application of  
Charles H. Moore, et al.  
Application No. 09/124,623  
Filed: July 29, 1998  
Attorney Docket No. NANO-001/13U

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 3, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37CFR 1.113 in a timely manner to the non-final Office action mailed January 31, 2000, which set a shortened statutory period for reply of three(3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 1, 2000.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$920.00 extension of time submitted with the petition on May 3, 2002 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111, or in her absence, Sherry Brinkley at (703)305-9220.

The application file is being forwarded to Technology Center 2700, Art Unit 2783.

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Petitions Examiner  
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Sherry Brinkley  
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